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**OFFICE OF PETITIONS**

In re Application of :  
Nishikawa et al. :  
Application No. 10/727,505 :  
Filed: December 5, 2003 :  
Attorney Docket No. Q78746 :

DECISION ON  
PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 22, 2004, requesting that the above-identified application be accorded a filing date of December 5, 2003, with drawing Figures 5a, 5b in the Japanese priority document as part of the original disclosure.

On December 5, 2003, the application was filed with three (3) sheets of drawing, consisting of Figures 1(a), 1(b), 1(c), 2, 3, and 4. On March 4, 2004, the Office mailed a Notice of Omitted Items(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of December 5, 2003, and advising applicant that Figures 5a and 5b appeared to have been omitted.

In response, on April 22, 2004, applicant submitted the present petition, a copy of Figures 5a and 5b, and the petition fee. Applicant states that Figures 5a and 5b were submitted with the application on December 5, 2003, as part of the Japanese priority application from which priority was claimed.

A review of the record reveals that three (3) sheets of drawings, consisting of Figures 1(a), 1(b), 1(c), 2, 3, and 4 were submitted with the application papers on December 5, 2003. However, the brief description of the drawings and the body of the specification for this application describe drawings of Figures 1(a), 1(b), 1(c), 2, 3, 4, 5a and 5b. A further review of the record reveals that the application papers, filed on December 5, 2003, included a Japanese foreign priority document, which contained four (4) sheets of drawings, consisting of Figures 1(a), 1(b), 1(c), 2, 3, 4, 5a and 5b.

Accordingly, Figures 5a and 5b, as they appear in the foreign priority document, will be scanned and used during the prosecution of this application.

To the extent indicated above, the petition is granted.

The application will be forwarded to the Office of Initial Examination to process the application with a filing date of December 5, 2003, using the three (3) sheets of drawings (Figures 1(a), 1(b), 1(c), 2, 3, and 4) submitted on that date. The Office is further directed to scan the one (1) sheet of drawings (Figures 5a and 5b) of the Japanese priority document, and to indicate that four (4) sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

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